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INDIGENOUS ISSUES

Report of the second workshop on a permanent forum for indigenous people within the United Nations system held in accordance with Commission on Human Rights resolution 1997/30

(Santiago, 30 June-2 July 1997)

Addendum

1. In its resolution 1997/30 of 11 April 1997, the Commission on Human Rights requested the High Commissioner for Human Rights to transmit the report of the second workshop on a permanent forum for indigenous people within the United Nations system to Governments, relevant United Nations bodies, organizations and specialized agencies, and indigenous organizations for their comments and to submit the comments received to the Commission at its fifty-fourth session. The present document contains the comments received as at 16 March 1998.

DENMARK

[10 March 1998]
[English]

1. The large number of participants is a clear indication that there is a growing interest in all parts of the United Nations system and in the international community for the project of a permanent forum. A substantial exchange of views took place, and a fruitful debate was held during the workshop in a true spirit of partnership.

2. The report (E/CN.4/1998/11) reflects fully the comprehensive and rich debate which took place in Santiago de Chile.

3. At the workshop Denmark presented a working paper containing an outline of a permanent forum for indigenous people which is annexed to the report of the workshop. The outline presents concrete suggestions as to name, mandate, placement within the United Nations system, location, membership, period of membership, procedure and financing of such a permanent forum.

4. With regard to the discussion of the mandate (paras. 19-24), Denmark wishes to clarify that the mandate should be subject to a revision clause in order that necessary changes concerning mandate, structures and procedures of the permanent forum may be made in the light of experiences gained over a certain period of time.

5. Concerning financial implications (para. 32), Denmark would like to comment that the fact that a permanent forum is funded from the United Nations regular budget should not exclude the possibility of providing voluntary funds.

6. Finally, Denmark fully supports the suggestion in the final section of the report that the Commission on Human Rights at its fifty-fourth session should consider how to further the process of the establishment of a permanent forum for indigenous people within the United Nations system, inter alia through the drafting of concrete proposals to this effect and bearing in mind the possibility of submitting the matter to the Economic and Social Council for action.

INTERNATIONAL WORK GROUP FOR INDIGENOUS AFFAIRS

[16 March 1998]
[Spanish]

The IWGIA transmitted the text of a declaration on a permanent forum adopted at the Second International Indigenous Conference on the Permanent Forum for Indigenous Peoples held in Panama from 4 to 6 March 1998.

Declaration of the Second International Indigenous Conference on a Permanent Forum for Indigenous People

Ukupseni, Kuna Yala, Panama
4-6 March 1998

We, the representatives of the indigenous peoples meeting in Kuna Yala, Panama, from 4 to 6 March 1998,

Bearing in mind United Nations resolutions and declarations such as those on indigenous peoples in relation to the establishment of a permanent forum for indigenous people within the United Nations system:

Article 1.2 of the United Nations Charter, in which the United Nations reaffirms as its purpose the development of friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and other appropriate measures to strengthen universal peace;

- The Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights (A/CONF.157/23), which mentioned the need for a permanent forum for indigenous peoples within the United Nations system;

- Article 22 of the United Nations Conference on Environment and Development, the Rio Declaration on Environment and Development, and chapters 11 and 26 of Agenda 21 relating to indigenous people;

- United Nations General Assembly resolution 50/157, in which the establishment of a permanent United Nations forum is identified as one of the important objectives of the International Decade of the World's Indigenous People;

- The Secretary-General's review of the existing mechanisms, procedures and programmes within the United Nations concerning indigenous people, which concludes that there are no United Nations mechanisms that give indigenous people the opportunity to take part in decision-making, and that there is no regular exchange of information between Governments, indigenous people and the United Nations system;

- The Declaration of the First International Indigenous Conference on a Permanent Forum in the United Nations System, held in Temuco, Chile, from 6 to 9 May 1997;

- The report of the first workshop on a permanent forum for indigenous people within the United Nations system, held in Copenhagen, Denmark, from 26 to 28 June 1995 in accordance with the Commission on Human Rights resolution 1995/30 (E/CN.4/Sub.2/AC.4/1995/7);

- The report of the second workshop on a permanent forum for indigenous people within the United Nations system, held in

accordance with Commission on Human Rights resolution 1997/30 in Santiago, Chile, from 30 June to 2 July 1997 (E/CN.4/1998/11 and Add.1),

Call for the speedy establishment of a permanent forum for indigenous people within the United Nations system, reporting directly to the Economic and Social Council (ECOSOC) and having the following characteristics:

1. MANDATE

- Promotion of peace and prosperity for indigenous people;
- All matters relating to indigenous people;
- Coordination within the United Nations system of activities relating to indigenous people;
- Guidance and advice to States, specialized agencies and other relevant bodies;
- Dissemination of information on the conditions and needs of indigenous people;
- Promotion of understanding between peoples with a view to facilitating the prevention and peaceful settlement of disputes;
- Formulation of all recommendations on any issue affecting indigenous people;
- Compliance with existing national and international norms;
- Issuing of proposals for harmonizing norms or laws with international law in the area of indigenous issues.

2. TERMS OF REFERENCE

The permanent forum's terms of reference should include: civil, political and social rights of indigenous people, cultural rights, human rights, lands and territories, environment, health, children, women, development, education, coordination of the activities of United Nations bodies relating or referring to indigenous people, biodiversity, constitutional reform with emphasis on recognition of the cultural diversity of States, conflict prevention, development of national legislation as regards the rights of indigenous people, right to life, impact of disasters caused by human activity on indigenous people, promotion of the world view of indigenous people, mechanisms for monitoring the implementation of legislation relating to indigenous people, reconstitution of indigenous peoples, indigenous economy, natural resources, training on the United Nations system, examination of the legal diversity of countries where indigenous people live and the effect of this pluralism, the development of language in furtherance of rights of indigenous people instead of customary law or normative systems, the growing use of the death penalty, recovery of indigenous lore, ethnology,

indigenous science and technology, indigenous people living in border regions, formulation of proposals for indigenous people living in national border zones to have freedom of movement across borders.

3. COMPOSITION

As indigenous people, we have the right to participate fully and actively in the permanent forum as equal partners with Governments. We propose that there should be an equal number of government and indigenous representatives. United Nations specialized agencies, non-governmental organizations and independent experts should have the opportunity to participate in the permanent forum's deliberations as observers without the right to vote.

The size of the membership should be left open, but we think that there should be between 5 and 10 indigenous representatives.

The relationship between the permanent forum and the Working Group on Indigenous Populations

We consider:

That the existing Working Group on Indigenous Populations has unique characteristics as regards the participation of indigenous people, unlike any other body within the system;

That the achievements of the Working Group on Indigenous Populations and the inter-sessional Working Group of the Commission on Human Rights have been, and are, fundamental to the indigenous movement and should therefore be taken into account in the discussion on the permanent forum;

That they are two different bodies of vital importance; they should therefore complement each other and one should not substitute for the other, which could result in strategies at variance with the indigenous movement;

That the Working Group on Indigenous Populations is a technical body, whereas the permanent forum is a political body, and therefore they are not in conflict with each other;

That the role of the Working Group is confined to the formulation of international norms for the protection of the human rights of indigenous people, while the role of the permanent forum is much broader, encompassing human rights among other matters;

That in the United Nations system there are examples of bodies which deal with the same issues such as the Committee on the Elimination of Discrimination against Women and the Committee against Torture. Therefore, the establishment of the forum and the simultaneous existence of the Working Group are not incompatible;

We conclude:

That the permanent forum and the Working Group are necessary and important platforms for our participation in the United Nations system, in order to apply the international provisions relating to our rights as indigenous people;

That the establishment of the permanent forum is an important objective as a political organ at the highest level which will permit our broad participation in the United Nations system in areas of concern to us;

That there should be a close relationship between the permanent forum and the fulfilment of the Working Group's mandate for the approval of the United Nations Declaration on the Rights of Indigenous Peoples and other issues of relevance to us as indigenous people;

That once the forum is established and its mandate and terms of reference decided, the mandate of the Working Group should be reviewed so that the latter complements the mandate of the permanent forum;

That in pursuance of the Working Group's mandate, we as indigenous peoples should consolidate its effectiveness in the discussion of the topics of the United Nations Declaration on the Rights of Indigenous Peoples and ensure that the Group's work is relevant to the new needs of indigenous people;

That it is necessary to strengthen our participation in the Working Group in order to ensure the approval of the United Nations Declaration on the Rights of Indigenous People and the establishment of a permanent forum within the framework of the Decade;

That the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Commission on Human Rights should continue to entrust to the Working Group normative tasks and specific actions for the promotion and protection of the rights of indigenous people.

Ukupseni, Kuna Yala (Panama), 6 March 1998